



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
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DA 04-2116

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July 13, 2004

**PLEADING CYCLE ESTABLISHED FOR COMMENTS
ON VERIZON'S PETITION FOR WAIVER, OR, ALTERNATIVELY, FORBEARANCE, TO
ALLOW IT TO EXERCISE PRICING FLEXIBILITY FOR FAST PACKET SERVICES**

WC Docket No. 04-246

Comments Due: August 3, 2004

Reply Comments Due: August 13, 2004

Verizon Telephone Companies (Verizon) filed two petitions with the Commission regarding pricing flexibility for certain fast packet services on June 25, 2004. In its first petition, Verizon requests that the Commission waive section 69.729 of its rules and paragraph 173 (Paragraph 173) of the Commission's *Pricing Flexibility Order*¹ to permit it to exercise pricing flexibility for certain advanced services that rely on packetized technology, including Frame Relay, Asynchronous Transfer Mode, and other packet-switched services other than DSL (Advanced Services), in those areas where Verizon has already obtained pricing flexibility for traditional special access services.² In its second petition, Verizon requests that, in the absence of a waiver, the Commission exercise its authority pursuant to section 10 of the Communications Act of 1934, as amended,³ to forbear from enforcing section 69.729 of the Commission's rules and Paragraph 173.⁴

¹ See *Access Charge Reform*, CC Docket No. 92-262, Fifth Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 14221 (1999) (*Pricing Flexibility Order*).

² Petition for Waiver of Pricing Flexibility Rules for Fast Packet Services, WC Docket No. 04-246, Verizon Petition for Waiver to Allow it to Exercise Pricing Flexibility for Advanced Services where the Commission has Granted Relief for Traditional Special Access Services (filed June 25, 2004) (Verizon Waiver Petition).

³ See 47 U.S.C. § 160 *et seq.*

⁴ Petition for Forbearance under 47 U.S.C. Section 160(c) from Pricing Flexibility Rules for Fast Packet Services, WC Docket No. 04-246, Verizon Petition, in the Alternative, for Forbearance to Allow it to Exercise Pricing Flexibility for Advanced Services where the Commission has Granted Relief for Traditional Special Access Services (filed June 25, 2004) (Verizon Forbearance Petition).

In support of its petitions, Verizon filed an accompanying memorandum,⁵ which asserts that, because the Commission has already found that special access services generally qualify for pricing flexibility in the areas at issue, the same relief should also apply to Advanced Services.⁶ Verizon further contends that granting the requested waiver will serve the public interest because it will enable Verizon to compete more effectively in the market for Advanced Services.⁷ Finally, Verizon argues that regulatory parity requires that the Commission grant a waiver to permit Verizon to exercise pricing flexibility for Advanced Services.⁸ In the alternative, Verizon requests Commission forbearance to the extent necessary to allow Verizon to exercise pricing flexibility for Advanced Services.⁹

This Public Notice establishes certain procedural requirements relating to consideration of Verizon's two petitions. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules. See 47 C.F.R. § 1.1206(b).

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on Verizon's petitions on or before **August 3, 2004** and reply comments on or before **August 13, 2004**.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two (2) copies of the comments and reply comments should also be sent to Deena Shetler, Deputy Division Chief, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW, Room 5-A221, Washington, DC 20554. Also send copies via e-mail to Deena Shetler and Marvin F. Sacks, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, at deena.shetler@fcc.gov and marvin.sacks@fcc.gov. One (1) copy must be sent to Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160, or via e-mail at www.bcpweb.com.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to

⁵ Verizon Waiver Petition, Memorandum of Points and Authorities in Support of Verizon's Petition for Waiver of Pricing Flexibility Rules and Contingent Petition for Forbearance, WC Docket No.04-246 (filed June 25, 2004) (Verizon Memorandum).

⁶ Verizon Memorandum at 5-7.

⁷ Verizon Memorandum at 7-12.

⁸ Verizon Memorandum at 13-15.

⁹ Verizon Memorandum at 15-19 (enforcement is not necessary to ensure against unjust, unreasonable or discriminatory charges or practices by Verizon or to protect consumers, and forbearance is consistent with the public interest).

<<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160, or via e-mail www.bcpweb.com.

For further information regarding this proceeding, contact Marvin F. Sacks, Pricing Policy Division, Wireline Competition Bureau, (202) 418-1520, or via e-mail at Marvin.Sacks@fcc.gov.

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